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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,858	12/10/1999	JAMIN PANDANA	64100/1111	9370

7590

01/28/2002

MARION P METELSKI ESQ  
AMSTER ROTHSTEIN & EBENSTEIN  
90 PARK AVENUE  
NEW YORK, NY 10016

EXAMINER

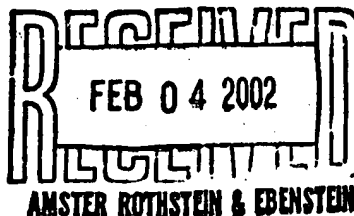
WU, XIAO MIN

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 01/28/2002



Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
FEB 25 2002  
SCHULTE ROTH & ZABEL

RECEIVED  
DEC 23 2002  
Technology Center 2600

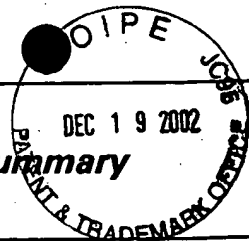
Schulte Roth &amp; Zable LLP

☒ Docketed ☐ Previously Docketed☐ None Required ☐ UpdatedCase # 864100-0111/RHGAction Notice of Appeal7 Day Reminder April 21, 2002Due Date April 28, 2002By Lian Date 2/26/02

Schulte Roth &amp; Zable LLP

☒ Docketed ☐ Previously Docketed☐ None Required ☐ UpdatedCase # 864100-0111/RHGAction Response Due7 Day Reminder April 21, 2002Due Date April 28, 2002By Lian Date 2/26/02

**Office Action Summary**



Application No.

09/458,858

Applicant(s)

PANDANA

Examiner

Xiao Wu

Art Unit

2674



- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on Dec 11, 2001

2a) ☒ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-13 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2 and 6-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Poisner (US Patent No. 5,943,506).

As to claims 1, 7, Poisner discloses an input device for a computer system, comprising: a keyboard (34, Fig. 1) having a function controller (32, Fig. 1) for providing output signals for use in the computer system in accordance with a Universal Serial Bus technique; and a pointing device (36, Fig. 1) coupled to the function controller, the keyboard and the pointing device sharing the function controller.

As to claim 2, Poisner discloses the pointing device is coupled to the function controller using a wireless communication technique.

As to claims 6, 10, Poisner discloses that the pointing device is a dumb.

As to claim 8, Poisner discloses that the keyboard is recognized by the computer system as a USB function.

As to claim 9, Poisner discloses that the function controller (32) is the only controller in the keyboard device.

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As to claim 11, Poisner discloses that the keyboard and mouse are recognized by the computer system as a composite USB device.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner (US Patent No. 5,943,506) in view of Brendzel et al. (US Patent No. 5,706,031).

As to claims 3-5, it is noted that Poisner does not disclose that the pointing device is a wireless device. Brendzel is cited to teach a wireless pointing device using either infrared or radio frequency for communication. It would have been obvious to one of ordinary skill in the art to have modified Poisner with the features of the wireless communication as by Brendzel, so as to increase the freedom of operating the inputting device.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Poisner (US Patent No. 5,943,506).

Note the discussion of Poisner. Poisner does not specifically disclose that the USB controller is located within the USB keyboard. However, it would have been obvious to have integrated the USB controller into the USB keyboard because it is an alternative way to integrate the USB control either into the computer or into the keyboard. Furthermore, Poisner's pointing device is a dumb device because the pointing device is controlled by the USB controller.

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6. Applicant's arguments filed 12/11/2001 have been fully considered but they are not persuasive.

With respect to claims 1-11, applicant argues that the USB controller 32 of Poisner is not located within the keyboard. This argument is not persuasive because this limitation is not found in the claims. With respect to newly added claims 12 and 13, note the discussion of Poisner above.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

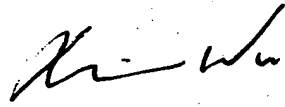
**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw  
January 24, 2002

  
**XIAO WU  
PRIMARY EXAMINER  
ART UNIT 2674**